# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## CRIMINAL REVISION APPLICATION No. 133 of 1996

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE D.H.WAGHELA**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**MOHAMMED SALIM MOHAMMED BASIR SHAIKH - Applicant(s)**
**Versus**
**STATE OF GUJARAT - Respondent(s)**

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**Appearance :**

MS JAYSHREE C BHATT for Applicant(s) : 1,
Mr SS Patel, Addl.PUBLIC PROSECUTOR for Respondent(s) : 1,

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**CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA**

**Date : 07/02/2007**

**ORAL JUDGMENT**

1. The present revision application is pending in this Court since more than ten years after the alleged offence committed in 1984, conviction of the

petitioner in 1991 and rejection of his appeal by the order dated 27.6.1995. The petitioner is convicted for the offence punishable under sections 457 and 380 of the Indian Penal Code, 1860 and sentenced to total 2 years of rigorous imprisonment and fine of Rs.1500/-. After admission of the present revision on 3.5.1996, he is released on bail on surety in the sum of Rs.3,000/- and personal bond of the like amount. Due to consistent record of absence of the petitioner as well as his learned advocate and submissions of the learned APP that even if the Court were inclined to grant benefit of probation, presence of the petitioner was required, the bail and bond of the petitioner were ordered to be cancelled and bailable warrant was ordered to be issued. However, the petitioner could not be arrested and produced before this court on account of his non-availability at the given address. Non-bailable warrant issued, as a result, has also been returned unserved with the report of Police Inspector concerned that the petitioner is not living at the given address since last 7 years and, according to the statements of his family members, he has gone

away somewhere, as he is of unsound mind.

2. Under the above circumstances, it was submitted by learned counsel, Ms. Jayshree Bhatt, that the petition may be disposed as infructuous and it was submitted by learned APP that, in any case, no ground was made out either in the petition or in the oral submission to point out any illegality in the impugned order of the trial court which was confirmed in appeal.

3. Therefore, the revision application is disposed as not pressed and Rule is discharged with no order as to costs.

**[D. H. Waghela, J.]**

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